

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 AID-05 OMB-01 SAJ-01 SCCT-01 /069 W

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R 121048Z SEP 75

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 1222

INFO COMUSMACTHAI BANGKOK

CINCPAC HONOLULU, HAWAII

C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 19288

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, TH

SUBJECT: CABINET PROPOSES NATIONAL SECURITY ACT

1. SUMMARY: THE THAI CABINET APPROVED A DRAFT BILL SEPT 2 WHICH WOULD REPEAL PREVIOUS ANTI-COMMUNIST ACTS AND SUBSTITUTE A NATIONAL SECURITY ACT TO MAINTAIN INTERNAL ORDER AND SUPPRESS TERRORISTS. THE BILL DREW IMMEDIATE DISAPPROVAL FROM THE OPPOSITION PARTIES, STUDENT GROUPS AND THE PRESS AS WELL AS MEMBERS OF THE GOVERNMENT COALITION, APPARENTLY CAUSING THE GOVERNMENT TO HAVE SECOND THOUGHTS. THIS BILL OBVIOUSLY IS A MEANS TO TEST PUBLIC OPINION AND PERHAPS KHUKRIT'S WAY OF DEFANGING HIS CRITICS WHILE AT THE SAME TIME MAINTAINING THE ANTI-COMMUNIST BILLS ON THE BOOKS. PROSPECTS APPEAR SLIM THE BILL WILL BE SUBMITTED TO THE PARLIAMENT. END SUMMARY.

2. ON SEPTEMBER 2 THE CABINET APPROVED IN PRINCIPLE AND SENT TO THE JURIDICAL COUNCIL FOR REVIEW A NATIONAL SECURITY ACT (NSA) WHICH ABROGATES FIVE ANTI-COMMUNIST ACTS AND REVOLUTIONARY DECREES, SOME
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DATING BACK TO THE 1950'S, REDEFINES OFFENSES AGAINST THE NATIONAL SECURITY, AND OUTLINES THE PENALTIES

AND PROCEDURES TO DEAL WITH THOSE WHO THREATEN THE
INTERNAL ORDER OF THAILAND.

3. UNDER THE BILL VIOLATIONS OF THE NATION'S SECURITY
FALL INTO THREE MAJOR CATEGORIES: CREATION OF PANIC
OR FEAR AMONG THE PEOPLE TO PREVENT THEM FROM
PERFORMING THEIR DUTIES, SUCH AS NATIONAL DEFENSE,
TAX-PAYING OR VOTING; CREATING PANIC OR FEAR AMONG
THE STATE'S OFFICIALS TO FORCE THEM TO IGNORE THE
LAWS OF THE LAND; AND INSTIGATING OR PERSUADING
PEOPLE BY VERBAL OR PRINTED MEANS, TO DESTROY PUBLIC
OR NATIONAL PROPERTY. PENALTIES WOULD RANGE FROM
10 YEARS TO LIFE IMPRISONMENT.

4. THE BILL PROVIDES FOR THE ESTABLISHMENT OF A
SPECIAL INVESTIGATIVE COMMITTEE TO HANDLE THESE CASES.
THE SPECIAL COMMITTEE WOULD BE COMPOSED OF
REPRESENTATIVES OF THE PUBLIC PROSECUTION DEPARTMENT,
CENTRAL INTELLIGENCE DEPARTMENT, DEFENSE MINISTRY,
POLICE DEPARTMENT AND THE PRIME MINISTER'S OFFICE.
THESE CASES WOULD NOT BE HANDLED THROUGH NORMAL
INVESTIGATIVE CHANNELS. THE INTERIOR MINISTER WOULD
BE EMPOWERED TO DETAIN OR RELEASE SUSPECTS, WITH OR
WITHOUT CONDITIONS BASED ON RECOMMENDATIONS FROM THE
SPECIAL COMMITTEE.

5. THE BILL ALSO EMPOWERS THE INTERIOR MINISTER, WITH
THE APPROVAL OF THE CABINET, TO DECLARE "SECURITY AREAS"
IN WHICH MANY CONSTITUTIONAL RIGHTS ARE INOPERATIVE.

6. ACCORDING TO UNDER-SECRETARY OF THE INTERIOR,
CHALO WANNAPUT, UNDER THE NSA THE COMMUNIST PARTY OF
THAILAND WOULD BE ALLOWED TO REGISTER AND BECOME A
LEGITIMATE POLITICAL PARTY IF ITS POLICIES
CONFORM TO THE CONSTITUTION.

7. IMMEDIATE OPPOSITION. THE BILL DREW IMMEDIATE
DISAPPROVAL FROM THE OPPOSITION PARTIES, STUDENT
GROUPS SUCH AS THE NSCT, THE NEWSPAPERS AND THE CIVIL
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LIBERTIES UNION AS WELL AS SOME MEMBERS OF THE PARTIES
IN THE GOVERNMENT COALITION. ONLY NAWAPHON SUPPORTED
THE BILL WHOLEHEARTEDLY, M.R. SENI PRAMOJ, LEADER
OF THE DEMOCRAT PARTY, GAVE IT QUALIFIED SUPPORT.

8. THOSE OPPOSED TO THE BILL RAISED THREE MAJOR
OBJECTIONS: A)THE ACT INFRINGES CONSTITUTIONAL
RIGHTS SUCH AS FREE SPEECH, ASSEMBLY, PRESS B) THE
PROVISIONS OF THE BILL ARE SO BROAD AND SWEEPING
THAT THE GOVERNMENT IN POWER COULD USE IT TO SUPPRESS

ANY OPPOSITION OR DISSENT. THIS VIEW IS BEST SUMMED UP IN A CARTOON IN THE SEPT 5 EDITION OF THE DAILY NEWS. A SECRETARY STANDS ON THE DESK SHRIEKING AS A MOUSE RUNS ACROSS THE FLOOR. PRIME MINISTER KHUKRIT POINTS TO THE MOUSE AND TELLS A POLICEMAN STANDING NEARBY, "IT'S INTIMIDATING A GOVERNMENT OFFICIAL CAUSING HER TO NEGLECT HER DUTIES. ARREST IT." C) OTHER LAWS ALREADY ENACTED ADEQUATELY COVER THREATS TO THE NATIONAL SECURITY.

9. GOVERNMENT HAS SECOND THOUGHTS. IN FACE OF GROWING OPPOSITION TO THE NSA, THE GOVERNMENT HAS POINTED OUT THAT THE BILL MUST STILL GO THROUGH SEVERAL STEPS DURING WHICH IT WOULD BE CAREFULLY CONSIDERED. PRIME MINISTER KHUKRIT INDICATED THAT THE CABINET MIGHT SCRAP THE BILL IF IT THOUGHT IT UNSUITABLE. AIR VICE MARSHAL SITTHI SAWETSILA, SECRETARY-GENERAL OF THE NATIONAL SECURITY COUNCIL, WHICH DRAFTED THE BILL, AND GEN. KRIT SIWARA, RTA COMMANDER-IN-CHIEF, REITERATED THE NEED TO ALLOW THE POLICE AND THE MILITARY TO CONTINUE WITHOUT INTERRUPTION SUPPRESSION ACTIVITIES AGAINST ARMED TERRORISTS.

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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INFO COMUSMACHTHAI BANGKOK

CINCPAC HONOLULU, HAWAII

C O N F I D E N T I A L SECTION 2 OF 2 BANGKOK 19288

10. PROSPECTS: THE EMBASSY BELIEVES THAT THE GOVERNMENT WILL NOT HAVE TIME TO SUBMIT THE BILL TO THE

NATIONAL ASSEMBLY DURING THIS SESSION, WHICH IS SCHEDULED TO END ON SEPTEMBER 27. IN THE FACE OF THE PRESENT PUBLIC REACTION, IT IS PROBABLE THAT THIS BILL MAY NEVER REACH THE PARLIAMENT FOR ITS CONSIDERATION IN THE NEAR FUTURE.

1. COMMENT: KHUKRIT'S POLITICAL ACUMEN SHOWS THOUGHT IN THE HANDLING OF THE NSA DRAFT BILL. ON THE ONE HAND THE BILL SERVES AS A TRIAL BALLOON TO TEST PUBLIC OPINION. IF THE PUBLIC OPPOSITION IS GREAT, THE BILL CAN BE QUIETLY SCRAPPED BEFORE SUBMISSION TO THE PARLIAMENT WITHOUT LOSS OF MUCH POLITICAL CREDIT OR FACE. ON THE OTHER HAND BY LINKING THE REPEAL OF THE ANTI-COMMUNIST LAW WITH THE ENACTMENT OF A BROAD NATIONAL SECURITY LAW, KHUKRIT REALIZED THAT IT WOULD BE TOTALLY ACCEPTABLE TO NEITHER THE LIBERALS, MODERATES NOR THE CONSERVATIVES. THE DIE-HARD ANTI-COMMUNISTS OPPOSE THE REPEAL OF THE ANTICOMMUNIST ACTS, WHILE OTHER MORE THOUGHTFUL CONSERVATIVES IN PARLIAMENT FEAR THAT THE LAW IS SO BROAD THAT A "LIBERAL" GOVERNMENT WHICH COMES INTO POWER COULD USE IT AGAINST THEM. BY THIS MOVE KHUKRIT DEFANGS HIS CRITICS ON THE LEFT AND THE RIGHT
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WHILE RETAINING THE PRESENT ANTI-COMMUNIST LAWS ON THE BOOK. TO HIS CRITICS HE CAN SAY THAT HE MADE AN EFFORT TO REPEAL THE ANTI-COMMUNIST LAWS AND ENACT A LAW TO PROTECT INTERNAL ORDER BUT THE PUBLIC WOULD NOT ACCEPT IT.
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